



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of **Argenta, et al.**

Application No. 10/647,068

Attorney Docket No.0101-P02977US1

Filed: August 22, 2003

For: BONE TREATMENT EMPLOYING
REDUCED PRESSURE

Examiner: Pedro Philogene

Group Art Unit: 3733

CERTIFICATE OF MAILING UNDER 37 C.F.R § 1.8(a)

I hereby certify that this Correspondence is being deposited on the date identified below with the United States Postal Service as first-class mail in an envelope properly addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

3/31/2006
Date of Certificate

Cristin Donahue
Cristin Donahue

Commissioner for Patents
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97**

In compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants are submitting herewith a Form PTO-1449 and a copy of the references listed thereon.

This Information Disclosure Statement is being filed more than three months after the filing date of this application, and after receipt of the first Official Action on the merits, but before receipt of a Final Official Action or an Notice of Allowance. Accordingly, the fee required under 37 C.F.R. 1.97(c) is enclosed. In the event the enclosed fee is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit account no. 04-1406.

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Applicants respectfully request full and proper consideration of the listed information during examination of the application, and that the listed information be printed on any patent that issues therefrom.

Respectfully submitted,

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Attorneys for Applicant(s)

By



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Enclosures - Form PTO-1449

Copies of References listed on PTO -1449



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Examiner Name: Pedro Philogene

SHEET 1 OF 5

Attorney Docket Number: 0101-P02977US1

UNITED STATES PATENT DOCUMENTS

| EXAMINER'S INITIALS | CITE NO. | PATENT NUMBER | ISSUE DATE MM-DD-YYYY | FIRST NAMED INVENTOR |
|------------------------|-------------|---------------|--------------------------|----------------------|
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FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | CITE NO. | DOCUMENT NUMBER | COUNTRY OR REGION | DATE OF PUBLICATION MM-DD-YYYY | FIRST NAMED INVENTOR OR APPLICANT |
|------------------------|-------------|--------------------|----------------------|--------------------------------------|--------------------------------------|
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OTHER CITATIONS - NON-PATENT DOCUMENTS

| EXAMINER'S INITIALS | CITE NO. | Include name of the author (in Capital Letters), title of the article (when appropriate), title of the item(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published |
|------------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Reply Brief to Claim Construction dated April 18, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Responsive Claim Construction Brief dated March 28, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela AG and Medela, Inc.'s Response on Claim Construction dated March 28, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Bluesky Medical Group Incorporated's Opposition Markman Brief Regarding U.S. Patent Nos. 4,969,880 and 5,636,643 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Markman Presentation of May 12, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Blue Sky Medical Corp.'s Markman Presentation dated May 12, 2005 |

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| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela Markman Presentation dated May 12, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Letter Brief from BlueSky Medical dated May 31, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiffs First Letter Brief from Markman hearing dated May 26, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Second Letter Brief from Markman hearing dated May 31, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Transcription of Videotaped Deposition of Louis C. Argenta, M.D., April 29, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Transcription of Videotaped Deposition of Michael Allan Batalia, Ph.D., January 12, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Transcription of Videotaped Deposition of Michael John Morykwas, Ph.D., January 13, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Defendants Medela AG and Medela Inc.'s Motion for Leave to Amend Designation of Expert Witnesses dated May 18, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Answer to Defendant Bluesky Medical Group Incorporate's Crossclaim dated June 1, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Answer to Defendant Richard Weston's Counterclaim dated June 1, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Answer to Defendant Medela Inc.'s Amended Counterclaims dated June 1, 2005 |
| | | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Answer to Defendant Medela AG's Amended Counterclaims dated June 1, 2005 |

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| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Objections and Answers to Medela's Subpoena in a Civil Case for Production of Documents and Deposition on Written Questions to Wake Forest University Baptist Medical Center dated June 1, 2005 |
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| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Opposition to Medela AG and Medela, Inc.'s Motion for Leave to Amend Designation of Expert Witnesses and Request for Hearing dated June 1, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Objections and Answers to Medela, Inc.'s Subpoena in a Civil Case and Deposition on Written Questions to Dr. Joseph Molnar and Dr. Lawrence Webb dated February 24, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Order Adopting Stipulations of Parties Regarding Claim Term Construction dated May 12, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Order Construing Patent '643 Claim Terms dated June 28, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Fourth Amended Complaint dated June 30, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Deposition transcript with Exhibits of Shelly Taylor dated November 23, 2004 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Deposition transcript with Exhibits of Michael Miller, D.O. dated March 8, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela AG's First Supplemental Response to Plaintiff's First Interrogatories to Defendant Medela AG dated July 13, 2005 |

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| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Medela Inc.'s First Supplemental Response to Plaintiff's First Interrogatories to Defendant Medela, Inc. dated August 16, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Deposition transcript with Exhibits of Matthew C. Dairman, February 3, 2005 |
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| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Deposition transcript with Exhibits of Mordechai Twena, January 25, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Preliminary Proposed Constructions of Newly Asserted Claims from the '643 and '081 Patents dated September 12, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Opposition to Defendant Bluesky Medical Group Incorporated's and Richard Weston's Motion for Summary Judgment on the '643 Patent, including Declaration of Wilson C. Hayes in Support Thereof including Exhibits |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Plaintiff's Opposition to Defendant Bluesky Medical Group Incorporated's and Richard Weston's Motion for Summary Judgment on the '880 Patent, including Declaration of Wilson C. Hayes in Support Thereof including Exhibits |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Answer to Fourth Amended Complaint, Additional Defenses, Third Amended Counterclaims and Jury Demand of Defendant Medela AG, July 18, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Answer to Fourth Amended Complaint, Additional Defenses, Third Amended Counterclaims and Jury Demand of Defendant Medela, Inc., July 18, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Deposition transcript with Exhibits of Mark Chariker dated May 6, 2006 |

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| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Deposition transcript with Exhibits of David S. Zamierowski dated February 15, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Expert Report with Exhibits of Harriet W. Hopf dated May 10, 2005, along with Supplemental Expert Report with Exhibits dated May 25, 2005 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Expert Report with Exhibits of Susan Mendez-Eastman dated January 7, 2004 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Expert Report with Exhibits of Jose Diaz dated November 26, 2004 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Expert Report with Exhibits of Jeffrey Niezgoda dated November 23, 2004 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Expert Report with Exhibits of Kathleen Satterfield dated November 29, 2004 |
| | Kinetic Concepts, Inc., et al., v. Bluesky Medical Corporation, et al., Civil Action No. SA-03-CA-0832-RF, U.S. District Court, W. Dist. of Texas San Antonio Div., Exhibits 281-288 of previously submitted Transcription of Deposition of Michael John Morykwas, Ph.D., dated January 13, 2005 |

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